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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 GABRIEL ECKARD,

10 Plaintiff,

11 v.

12 JOHN LEOPOLD et al.,

13 Defendants.  
14

CASE NO. C19-816RSM

ORDER ADOPTING REPORT AND  
RECOMMENDATION

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16 This matter is before the Court on United States Magistrate Judge Brian A. Tsuchida's  
17 Report and Recommendation ("R&R") advising that the Court dismiss this action with prejudice.  
18 Dkt. #7. Plaintiff has objected, arguing that dismissal should be without prejudice. Dkt. #8.

19 Plaintiff initiated this action on the basis that while jailed in the Snohomish County Jail  
20 and after having violated a jail rule, he was sanctioned by being denied access to the law library  
21 for fifteen days. Dkt. #7 at 1. Plaintiff alleges that this resulted in a violation of his right to  
22 access the courts and prejudiced his ability to represent himself in his ongoing criminal case. *Id.*  
23

24 The R&R recommends dismissal because Plaintiff's Complaint fails to state a claim upon  
25 which relief can be granted. The R&R concludes that Plaintiff did not allege an actual injury  
26 from his lack of law library access. *Id.* at 2–3. The R&R also concludes that regarding Plaintiff's

1 claims related to self-representation in his state court criminal proceeding, this Court cannot  
2 intrude into that action and Plaintiff can vindicate his rights therein. *Id.* at 3–4.

3 Plaintiff does not object to the conclusions of the R&R and asks only that his claim related  
4 to court access be dismissed without prejudice. Dkt. #8 at 1. Plaintiff argues that he did suffer  
5 injury, attaching evidence that two courts granted him extensions of time to respond to filings  
6 during the relevant time. *Id.* 4–8. But this evidence does not demonstrate any injury as Plaintiff  
7 was granted the requested relief specifically to mitigate any harm to his rights caused by the lack  
8 of access to the law library. Plaintiff does not raise any valid objection to the R&R.  
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10 The Court pauses to take note the unnecessary tone of Plaintiff’s objections that borders  
11 on personal attacks against Judge Tsuchida. Such a tone appears to be part of an unfortunate  
12 patter across Plaintiff’s filings—of which there are many. Plaintiff is certainly free to disagree  
13 with the decisions of this Court, but the Court does not doubt that Plaintiff can do so while  
14 maintaining a respectful and professional tone.  
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16 Accordingly, and having reviewed the R&R, Plaintiff’s objections, and the remainder of  
17 the record, the Court finds and ORDERS that:

- 18 1. The Report and Recommendation (Dkt. #7) is ADOPTED.
- 19 2. Plaintiff’s Complaint (Dkt. #6) is DISMISSED with prejudice.
- 20 3. The Clerk SHALL SEND a copy of this Order to Plaintiff and CLOSE this action.

21 Dated this 16 day of July 2019.  
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24 RICARDO S. MARTINEZ  
25 CHIEF UNITED STATES DISTRICT JUDGE  
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